

3637/A  
Attorney's Docket No. 1381-011312

## TRANSMITTAL LETTER

Commissioner for Patents  
Washington, D.C. 20231

Serial No.: 10/034,978 Filing Date: December 28, 2001  
Examiner: John P. Fitzgerald Group Art Unit: 3637  
Invention: Bracket For A Structural Panel And A Structural Panel Made With Such A Bracket

Transmitted herewith is an **Election Requirement** in the above-identified application.

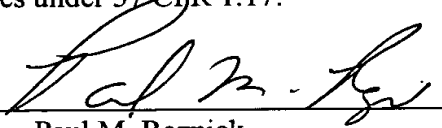
- ☒ Small Entity Status is/has been asserted for this application under 37 CFR 1.27.  
☐ A verified statement to establish small entity status under 37 CFR 1.27 is enclosed.  
☐ No additional fee is required.  
☐ The fee has been calculated as shown below:

No of Claims After Amendment	Highest No. Previously Paid For	Present Extra	Small Entity Rate	Non-Small Entity Rate	Charge
Total 31	31	0	x \$ 9.00	x \$ 18.00	\$ 0
Indep. 6	6	0	x \$ 42.00	x \$ 84.00	\$ 0
First Presentation of Multiple Dependent Claim/s			+ \$140.00	+ \$280.00	\$ 0
TOTAL ADDITIONAL FEE					\$ 0

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed to cover the filing fee.  
☒ A check in the amount of \$ 55.00 is enclosed for a one month Petition for Extension of Time.  
☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. An original and two copies of this sheet are enclosed.  
☒ Any additional filing fees required under 37 CFR 1.16.  
☒ Any patent application processing fees under 37 CFR 1.17.

April 11, 2003  
Date

By

  
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Beverlee B. Engle

(Typed name of person mailing paper)

  
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Date

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GROUP 3600



**PATENT APPLICATION**  
Serial No. 10/034,978  
Confirmation No. 1223  
Attorney Docket No. 1381-011312

#7  
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4/29/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 3637 :  
In re Application of :  
**Jeffrey B. HUNDLEY** : **BRACKET FOR A STRUCTURAL**  
Serial No. 10/034,978 : **PANEL AND A STRUCTURAL**  
Filed December 28, 2001 : **PANEL MADE WITH SUCH A**  
Examiner – John P. Fitzgerald : **BRACKET**  
Pittsburgh, Pennsylvania  
April 11, 2003

**ELECTION REQUIREMENT**

Commissioner for Patents  
Washington, D.C. 20231

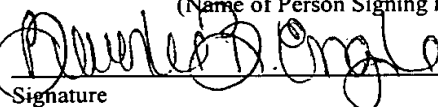
Sir:

In response to the Office Action dated February 11, 2003, Applicant elects invention of Group II, claims 15-22 drawn to a structural panel. Further, Applicant elects the species of the invention disclosed in Figs. 1 and 5. Applicant makes these elections with traversal.

The Examiner has identified four (4) groups of inventions as follows: Group I claims 1-14, drawn to a bracket; Group II claims 15-22, drawn to a structural panel; Group III claims 23-27, drawn to a building; and Group IV claims 28-30, drawn to a method for fabricating the building. All of these claims are classified in class 52. The Examiner states

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(Name of Person Signing Paper)

  
Signature

04/11/03  
Date

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that Inventions I and II are related as combination and subcombination. Inventions II and III are related also as combination and subcombination. Finally, the Examiner states that Inventions III and IV are related as process of making and product made. Further, the Examiner has required that if the invention of Group I is elected, Applicant must further elect subgroups regarding the patentability of distinct species of the claimed invention as set forth in Figs. 2-4, Fig. 6, Figs. 7-9, and Figs. 10-11. Further, the Examiner has stated that if Group II is elected then an Applicant must elect a subgroup of the following patentably distinct species as claimed in Figs. 1-5, or Fig. 8.

Applicant believes that these election and restriction requirements are unfair and place an undue economic hardship on Applicant. In essence, the Examiner has required the Applicant to file a total of ten (10) patent applications to cover its invention as set forth in the present application. Not only is this unfair to the small entity due to the filing fees involved, but it would even be more unfair in view of the maintenance fees to maintain eight (8) patents. It is believed that the Examiner can easily search the inventions as set forth in claims 1-27 with a minimal amount of effort. All of the inventions are classified in class 52. It is not unfair, nor burdensome for the Examiner to search the appropriate classes and subclasses for these groups.

Further, all of the claims as set forth in the Groups I through III include a bracket in one manner or the other for use in a building panel. It is believed that the claims directed to the brackets, the panel, and the building can be easily searched in the appropriate subclasses in class 52 especially with the computer searching tools available to the Patent Office.

Furthermore, even if the Examiner maintains his restriction requirement, it is clearly unfair to require that a further election be made directed to the species of Group II, Figs. 1 and 5 or Fig. 8. It is believed that the Examiner can easily search both species with

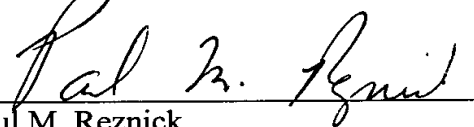
minimal, if any, extra effort. Therefore, in the interest of equity, Applicant respectfully requests that the Examiner withdraw the restriction requirements with respect to pending claims 1-27, Groups I through III, and the election requirement with respect to the species of Groups I and II. At a minimum, it is respectfully requested that the Examiner examine all of the claims in the Groups I and II (claims 1-22), if the Examiner must maintain some sort of restriction requirement in this case. It is believed that the examination of the bracket claims (Group I) and the structural panel claims incorporating the bracket (Group II) is not unduly burdensome.

Therefore, in view of the foregoing, Applicant respectfully requests that the Examiner remove the individual election/restriction requirements of Groups I, II, and III and examine pending claims 1-27.

Respectfully submitted,

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